

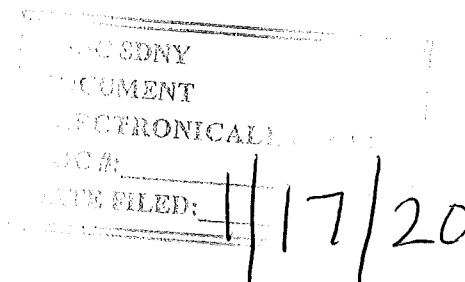
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SONIA B. DAVIS,

Plaintiff,

v.

CITY OF MOUNT VERNON, MOUNT
VERNON POLICE DEPARTMENT, POLICE
OFFICER DERVIN CHERY, POLICE
OFFICER EDUARDO BAERGA, POLICE
OFFICER TIMOTHY W. BRILEY, POLICE
OFFICER DARIUS M. MITCHELL, POLICE
OFFICER ROBERT F. KRESSMAN,
SERGEANT MICHAEL MARCUCULLI, and
POLICE OFFICERS JOHN & JANE DOE,
Defendants.
-----X



ORDER

17 CV 8029 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings this civil rights action against defendants the City of Mount Vernon, Mount Vernon Police Department, Police Officer ("P.O.") Dervin Chery, P.O. Eduardo Baerga, P.O. Timothy W. Briley, P.O. Darius M. Mitchell, P.O. Robert F. Kressman, Sergeant Michael Marcuculli, and P.Os. John and Jane Doe.

On August 30, 2019, the Court the following submissions from plaintiff: (i) an undated letter, to which plaintiff attached evidence in support of her claims (Doc. #43); (ii) a document styled "Notice of Motion," in which plaintiff asks the Court "to address" plaintiff's injuries, and to which plaintiff attached medical records offered in support of her claims (Doc. #45); and (iii) a letter dated August 30, 2019, in which plaintiff asks the Court about the circumstances of her alleged injuries (Doc. #44).

By Order dated September 3, 2019, the Court liberally construed plaintiff's above-referenced filings as opposing defendants' anticipated motion for summary judgment, which, at that time, had not yet been filed. (Doc. #46).

On October 29, 2019, defendants filed a motion for summary judgment. (Doc. #47). Defendants' proof of service indicates plaintiff was served with the motion by mail on October 30, 2019. (Doc. #53 at 1). Accordingly, any further opposition to the motion was due November 18, 2019. See Fed. R. Civ. P. 6(d); Local Civil Rule 6.1(b).

Plaintiff did not timely file an additional opposition to defendants' motion or seek an extension of time to do so.

On December 11, 2019, in view of plaintiff's pro se status, the Court sua sponte extended to January 10, 2020, plaintiff's time to file an additional opposition to the pending motion to dismiss. (Doc. #54).

On December 20, 2019, plaintiff filed a document styled "Notice of Motion," in which plaintiff requests the Court enter judgment against defendants with respect to certain medical costs. (Doc. #55). The Court construes plaintiff's motion filing also as an additional response to defendants' motion. (Id.).

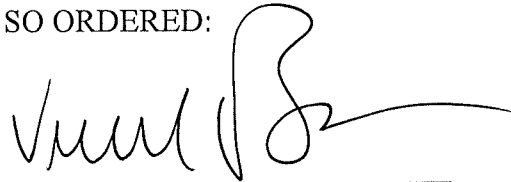
Accordingly, the Court deems defendants' motion for summary judgment (Doc. #47) and plaintiff's motions (Docs. ## 45, 55) as fully submitted, and will decide the motions in due course.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket.

Dated: January 17, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', with a long horizontal flourish extending to the right.

Vincent L. Briccetti
United States District Judge